

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF
EASTERN DIVISION**

IN RE:)
) **No. 19 BK 24128**
Beatrice Hiner)
) **Ho. David D. Clearly**
) **Chapter 13**
Debtors.)

NOTICE OF MOTION

To: **Marilyn O. Marshall:** 224 S. Michigan – Suite 800, Chicago, Illinois 60604; *via electronic court notification*

Beatrice Hiner, 5046 179th Street, Country Club Hills IL 60478; *via regular mail*

See attached Service list via US regular mail, postage prepaid

PLEASE TAKE NOTICE that on 29th of March 2021, at 9:30 a.m., I will appear telephonically before the Honorable Jaqueline P. Cox, or any judge sitting her place, and present the motion of a Motion to Modify to, a copy of which is attached.

This motion will be presented and heard electronically using Zoom for Government. No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

To appear by video, (1) use this link: <https://www.zoomgov.com/>. (2) Enter the meeting ID 161 122 6457. (3) Enter the passcode Cleary644.

To appear by telephone, (1) call Zoom for Government at 1- (669) 254-5252 or 1-(646) 828-7666.

When prompted identify yourself by stating your full name.

To reach Judge Cleary's web page go to <https://www.ilnb.uscourts.gov/content/judge-david-d-cleary>

If you object to this motion and want it called on the presentment date above, you may file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may call the matter regardless.

/s/Desirae Bedford
Attorney for Debtor
Citizens Law Group, Ltd.
3069 W. Armitage Ave
Chicago, Illinois 60647

(312) 361-3833

CERTIFICATE OF SERVICE

The undersigned attorney certifies that he caused a copy of the foregoing Notice and Motion to be served upon the United States Trustee, (and any others having registered) pursuant to Section II(B)(4) of the Administrative Procedures for the Case Management/Electronic Case Filing System through the Court's Electronic Notice for Registrants, served upon the Debtor, counsel, and served upon the other parties listed on the attached Service List by depositing same in the United States Mail, first class postage prepaid, before 5:00pm on March 6, 2021.

By: /s/ Desirae Bedford
Desirae Bedford

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Debtor.)

MOTION TO MODIFY PLAN

NOW COME the Debtors, **Beatrice Hiner**, by and through her attorneys, Citizens Law Group, Ltd, and in support of the Debtor's Motion to Modify Plan pursuant to 11 U.S.C. § 1329, and Under Section 1113 of The Care Act states as follows:

1. This court has jurisdiction over this matter under 28 U.S.C. § § 1334 and 157
2. This is a core proceeding pursuant to 28 U.S.C. § 157(b).
3. The Debtors filed for relief under Chapter 13 of the Bankruptcy Code on August 27, 2019 .
4. This Court confirmed the plan on October 21, 2019. Under the confirmed plan, the Debtor is to pay \$956.00 per month to the trustee for 60 months.
5. In the current plan, the Debtor pays general unsecured at 100%.
6. The Debtor has, over the course of her chapter 13 plan, reasonably maintained her monthly chapter 13 payments.
7. Currently the Debtor is to pay The Bank of New York Mellon (hereinafter "*Creditor*") monthly installments of \$1,016.52 outside the plan for the property located house located at 744 46W 77th Street, Chicago, IL 60620.
8. The Debtor for the past few months has defaulted on those payments.
9. The Debtor now owes the Creditor post- petition payments in the amount of

\$6,123.90.

10. The Debtor's tenants have been laid off and have stopped paying rent. As a result of their failure to pay rent, she has been unable to make the full mortgage payments.

11. Additionally, due to the COVID-19 city ordinances, she has been unable to evict these tenants in order to obtain new ones.

12. Under Section 1113 of The Care Act, Chapter 13 cases filed and confirmed prior to March 27, 2020 may be modified if the cause of financial hardship is due to COVID-19.

13. The Debtor's hardship stems directly from Covid-19.

14. The Debtor asks that this court extend her plan not to exceed 7 years, and add the post-petition arrears amount of \$6,123.90 to the plan.

15. The Debtor asks that this court modify the plan payments from monthly payments of \$921.00 to \$663.00.

16. This is in the best interest of both the Debtor and the Creditor. The Debtor will be able to catch up on their arrears and this allows the Creditor's interest to remain protected.

17. Furthermore, it does not alter the payout amounts expected by the remainder of Creditors, which is more than they would receive if this case were a Chapter 7.

WHEREFORE, Debtor, **Beatrice Hiner**, prays that this Honorable Court enter an Order modifying their Chapter plan payments to \$663.00 and for such further relief as this Court deems just and proper.

RESPECTFULLY SUBMITTED,

/s/ Desirae Bedford
Desirae Bedford
Attorney for Debtor
Citizens Law Group, Ltd.

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